

Update: Criminal Procedure Monograph 6—Pretrial Motions

Part 2—Individual Motions

6.12 Motion to Dismiss for Delay in Arrest Resulting in Prejudice to Defendant

Insert the following language at the end of the first full paragraph on p 14:

See also *People v Tanner*, ___ Mich App ___ (2003) (defendant’s vague claims of “faded memories and lost witnesses,” without a specific showing how the alleged deficiencies actually and substantially impaired her defense, held to be too speculative and insufficient to establish actual and substantial prejudice).

Insert the following language at the end of the second full paragraph on p 14:

See also *People v Tanner*, ___ Mich App ___ (2003) (trial court did not err in finding that the five-year delay between the initial request for arrest warrant and initiation of criminal charges resulted from the police conducting further investigation and from the prosecutors being dissatisfied with the sufficiency of the evidence—two proper bases to delay prosecution).